

GO4 – Review of Council Delegations

GO4 **Review of Council Delegations**
234777

TRIM 572-8

EXECUTIVE SUMMARY

- Each Council must review all its delegations during the first twelve (12) months of each term of office, as set out under s380 of the Local Government Act.
- The Office of Local Government have advised that this clause refers to all delegations approved by a resolution of Council.
- The General Manager’s Instrument of Delegation which details his delegations was reviewed along with specific delegations given to the General Manager, Mayor and staff.
- One specific delegation is required to be updated.
- It is recommended that:
 1. Council remake the Instrument of Delegation approved on 18 August 2014 and delegate to the General Manager the exercise of Council’s powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2 of the Instrument of Delegation.
 2. Both Council and the General Manager agree to the Director Planning and the Manager Sustainable Growth, having delegated Authority to make a Local Environmental Plan Amendment.

REPORT

On 18 August 2014 Council delegated to the General Manager the exercise of Council’s powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject the limitations specified in Schedule 2 of the Instrument of Delegation. This Instrument was amended on 19 December 2016 by resolution to include a delegation relating to tendering as a result of an amendment to Section 377 of the Local Government Act 1993 (the Act).

The General Manager’s Instrument of Delegation has been reviewed in line with s380 of the Act and is recommended for renewal to enable the effective exercise of Council business and responsibilities to continue in a timely manner.

Governance

Report of Governance to the Ordinary Meeting of Council held on Monday 18 September 2017

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Specific delegations resolved by Council have also been reviewed. Those given to staff, including the General Manager are included in Council's Delegations Register, which is available on Council's website, to ensure such delegations are enacted and recorded.

The review of the specific delegations found the following delegations are no longer required and subsequently removed from the register:

- Delegations under the Noxious Weeds Act 1993 (Act repealed)
- Delegations to staff of Southern East Weights of Loads (Staff named have changed)
- Delegations under Heavy Vehicle National Law (12 Month validity has expired).

The review also revealed that the following delegation requires an amendment to update a staff member's title:

- Delegations for Local Environmental Plan Amendments

CONSULTATION

- Office of Local Government
- Manager Governance and members of Council's Executive.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENT INCLUDED IN A SEPARATE BOOKLET

1. The General Manager's Instrument of Delegation

RECOMMENDATION

1. That Council remake the Instrument of Delegation approved on 18 August 2014 and delegate to the General Manager the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2 of the Instrument of Delegation.
2. That Both Council and the General Manager agree to the Director Planning and the Manager Sustainable Growth, having delegated Authority to make a Local Environmental Plan Amendment.